



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

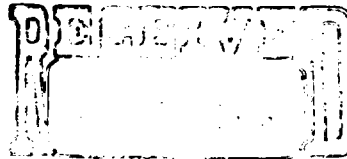
**230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604**

REPLY TO THE ATTENTION OF:

5WQC-TUB-8

MAR 23 1989

**CERTIFIED MAIL P 849 141 999
RETURN RECEIPT REQUESTED**



Mr. Paul Tandler
Vice President
Cerro Copper Products Company
Post Office Box 681
East St. Louis, Illinois 62202

Re: Administrative Order
Docket No: V-W-88-AO-01

Dear Mr. Tandler:

Region V received a letter dated, March 6, 1989, from a Cerro Copper Products Company (Cerro) consultant, Mr. Carl Schafer, announcing that sampling to comply with the above referenced administrative order was being changed from manual sampling for composites to automatic continuous flow proportioned composite sampling equipment.

The letter states that "evaluation of data from both sampling techniques did not show significant differences." After review of the enclosures to the letter, Region V does not agree with the quoted statement. For the sample report dated December 28, 1988, 35 comparisons between grab and composite sample pairs were made. Only 6 sample pairs demonstrated no difference, while 24 sample pairs demonstrate that a grab sample resulted in a higher value than the composite sample. Of the above mentioned 24 sample pairs, only 1 exhibited less than a 10 percent difference (or 23 of 24 showed greater than a 10 percent difference).

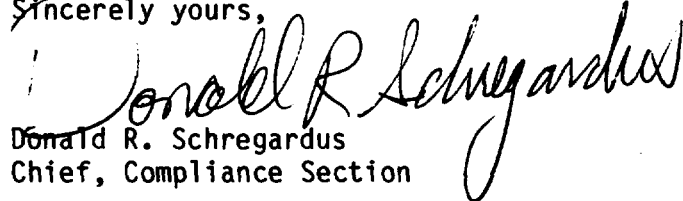
Region V has sampled the Cerro facility several times in the last three years, most recently for five days in October 1988. Our experience shows us that manual collection of samples is the only method to accurately sample Cerro's effluent flows due to the extreme variation of flow. Our sampling crews have found it necessary to wait, until actual flow occurred at both the East and West Outfalls, for sample collection. Most composite sampling machines do not have this capability. The data Cerro's consultant provided shows that the

C06269

composite method proposed underestimates pollutant discharge by more than 10 percent. The proposed compositing method will not be representative and therefore will not comply with both 40 C.F.R. 403.12(e) and V-A0-W-88-01.

Further questions should be directed to Anne Weinert at (312) 886-6764.

Sincerely yours,



Donald R. Schregardus
Chief, Compliance Section

cc: Carl Schafer
Patterson, Schafer Associates

Richard Kissel
Gardner, Carton and Douglas

George Schillinger
Village of Sauget

Kenneth Rogers, Manager
Compliance Assurance Section
Illinois Environmental Protection Section

NOTE:

UNLESS OTHERWISE SPECIFIED ALL
PIPING TO BE CPVC.

CERRO COPPER PRODUCTS

ST. LOUIS WORKS

Date FEB 21 1989

ISSUED

MARK	QUAN.	DESCRIPTION
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ANODE WASTE WATER TREAT-
MENT - FLOW DIAGRAM

CERRO COPPER PRODUCTS CO.

A Member of THE MARMON GROUP

SCALE

N.T.S.

DRAWN BY

CE

DRAWING NO.

3270-P-1

DATE 12-28-88

CHECKED BY

DO NOT SCALE DRAWING

FINISH SYMBOLS

16 ✓ GRIND/POLISH	250 ✓ MEDIUM
32 ✓ GRIND	500 ✓ SEMI ROUGH
63 ✓ FINE	1000 ✓ ROUGH
25 ✓ SEMI FINE	2000 ✓ VERY ROUGH

UNLESS OTHERWISE SPECIFIED:

MACHINE SURFACE TOLERANCES:

0.000 3-PLACE DECIMAL $\pm .005$

0.000 2-PLACE DECIMAL $\pm .010$

0.000 1-PLACE DECIMAL $\pm .020$

0.000 0-PLACE DECIMAL $\pm .040$

FABRICATION TOLERANCES: $\pm .100$

RENDER:

REPRODUCED FROM

C06285

GROUND LEVEL

SECTION A-A

(A) SETTLING TANK PAD

N.T.S

SUMP LOCATION & DETAIL SEE DRWG 3270-F-1

CERRO COPPER PRODUCTS

ST. LOUIS WORKS

Date FEB 21 1989

ISSUED

MARK	QUAN.	DESCRIPTION
		ANODE WASTE WATER TREAT-
		MENT - EQUIPMENT LAYOUT
CERRO COPPER PRODUCTS CO.		
A Member of THE HARMON GROUP		
SCALE 1/2" = 1'-0"	DRAWN BY C.E.	DRAWING NO. 3270-L-1
DATE 1-3-89	CHECKED BY	

DO NOT SCALE DRAWING

FINISH SYMBOLS

16 ✓ GRIND/POLISH	250 ✓ MEDIUM
32 ✓ GRIND	500 ✓ SEMI ROUGH
33 ✓ FINE	1000 ✓ ROUGH
25 ✓ SEMI FINE	2000 ✓ VERY ROUGH

UNLESS OTHERWISE SPECIFIED:

MACHINE SURFACE TOLERANCES:

0.000 3-PLACE DECIMAL ±.005

0.000 2-PLACE DECIMAL ±.010

0.000 1-PLACE DECIMAL ±.020

0.000 0-PLACE DECIMAL ±.040

FABRICATION TOLERANCES: ±.100

REFERENCE:

REPRODUCED FROM

C06286

1 1/2"

MV-22		2" BUTTERFLY VLV.
MV-21		1" BALL VLV.
MV-20		1" BALL VLV.
CV-19		O.D.S. SOL. VLV.
MV-18		2" BUTTERFLY VLV.
MV-17		2" BUTTERFLY VLV.
MV-16		1" PLASTIC BALL VLV.
MV-15		1" PLASTIC BALL VLV.
MV-14		2" BUTTERFLY VLV.
MV-13		1 1/2" TEF. BALL VLV.
MV-12		1" PLASTIC BALL VLV.
MV-11		1" PLASTIC BALL VLV.
MV-10		2" BUTTERFLY VLV.
MV-9		2" BUTTERFLY VLV.
MV-8		1 1/2" BALL VALVE
MV-7		1" BALL VALVE
MV-6		1 1/2" TEF. BALL VALVE
MV-5		1 1/2" TEF. BALL VALVE
CV-3		1 1/2" TEF. BALL VALVE 4-20
CV-2		1" BALL VALVE 4-20
CV-1		1" BALL VALVE ON/OFF 110V.
MARK	QUAN.	DESCRIPTION

DO NOT SCALE DRAWING

FINISH SYMBOLS

16 ✓	GRIND/POLISH	250 ✓	MEDIUM
32 ✓	GRIND	600 ✓	SEMI ROUGH
63 ✓	FINE	1000 ✓	ROUGH
125 ✓	SEMI FINE	2000 ✓	VERY ROUGH

UNLESS OTHERWISE SPECIFIED:

MACHINE SURFACE TOLERANCES:

0.000 3-PLACE DECIMAL ±.005

0.000 2-PLACE DECIMAL ±.010

0.000 1-PLACE DECIMAL ±.020

0.000 0-PLACE DECIMAL ±.040

FABRICATION TOLERANCES: ±.100

REFERENCE:

REPRODUCED FROM

ANODE WASTE WATER TREAT- MENT PIPING

CERRO COPPER PRODUCTS CO.

A Member of THE MARMON GROUP

SCALE

DRAWN BY G.E.

DRAWING NO.

3270-P-3

DATE 1-3-89

CHECKED BY

C06287

CERRO COPPER PRODUCTS

ST. LOUIS WORKS

Date FEB 21 1989

ISSUED

MARK	QUAN.	DESCRIPTION
		<u>ANODE WASTE WATER TREAT-</u>
		<u>MENT - POWER WIRING</u>
CERRO COPPER PRODUCTS CO. A Member of THE MARMON GROUP		
SCALE	DRAWN BY: <u>C.E.</u>	DRAWING NO.
DATE <u>1-5-89</u>	CHECKED BY	<u>3270-E-1</u>

DO NOT SCALE DRAWING

FINISH SYMBOLS

16 ✓	GRIND/POLISH	250 ✓	MEDIUM
32 ✓	GRIND	500 ✓	SEMI ROUGH
63 ✓	FINE	1000 ✓	ROUGH
125 ✓	SEMI FINE	2000 ✓	VERY ROUGH

UNLESS OTHERWISE SPECIFIED:

MACHINE SURFACE TOLERANCES:

0.000 3-PLACE DECIMAL $\pm .005$

0.000 2-PLACE DECIMAL $\pm .010$

0.000 1-PLACE DECIMAL $\pm .020$

0.000 0-PLACE DECIMAL $\pm .040$

FABRICATION TOLERANCES: $\pm .100$

REFERENCE:

REPRODUCED FROM

C06288

TO EARTH GROUND

CERRO COPPER PRODUCTS
ST. LOUIS WORKS

Date FEB 21 1989

ISSUED

NG

SHT. 1 OF 2

DO NOT SCALE DRAWING

FINISH SYMBOLS

16 ✓ GRIND/POLISH	250 ✓ MEDIUM
32 ✓ GRIND	500 ✓ SEMI ROUGH
63 ✓ FINE	1000 ✓ ROUGH
125 ✓ SEMI FINE	2000 ✓ VERY ROUGH

UNLESS OTHERWISE SPECIFIED:

MACHINE SURFACE TOLERANCES:

0.000 3-PLACE DECIMAL $\pm .005$

0.000 2-PLACE DECIMAL $\pm .010$

0.000 1-PLACE DECIMAL $\pm .020$

0.000 0-PLACE DECIMAL $\pm .040$

FABRICATION TOLERANCES: $\pm .100$

REFERENCE:

REPRODUCED FROM

MARK

QUAN.

DESCRIPTION

ANODE WASTEWATER TREAT-

MENT - PLC WIRING

CERRO COPPER PRODUCTS CO.

A Member of THE MARMON GROUP

SCALE

DRAWN BY C.E.

DRAWING NO.

DATE 1-5-89

CHECKED BY

3270-E-2

C06289

E LAYOUT

CERRO COPPER PRODUCTS

ST. LOUIS WORKS

Date FEB 21 1989

ISSUED

ELD WIRING

SHT. 2 OF 2

MARK	QUAN.	DESCRIPTION
		ANODE WASTE WATER TREAT-
		MENT - P.L.C. WIRING
CERRO COPPER PRODUCTS CO. A Member of THE MARMON GROUP		
SCALE	DRAWN BY <u>C.E.</u>	DRAWING NO.
DATE <u>1-5-88</u>	CHECKED BY	<u>3270-E-3</u>

DO NOT SCALE DRAWING

FINISH SYMBOLS

16 ✓	GRIND/POLISH	250 ✓	MEDIUM
32 ✓	GRIND	500 ✓	SEMI ROUGH
63 ✓	FINE	1000 ✓	ROUGH
125 ✓	SEMI FINE	2000 ✓	VERY ROUGH

UNLESS OTHERWISE SPECIFIED:

MACHINE SURFACE TOLERANCES:

0.000 3-PLACE DECIMAL $\pm .005$

0.000 2-PLACE DECIMAL $\pm .010$

0.000 1-PLACE DECIMAL $\pm .020$

0.000 0-PLACE DECIMAL $\pm .040$

FABRICATION TOLERANCES: $\pm .100$

REFERENCE:

REPRODUCED FROM

C06290

CERRO COPPER PRODUCTS
ST. LOUIS WORKS

Date FEB 21 1989

ISSUED

MARK	QUAN.	DESCRIPTION
CERRO COPPER PRODUCTS CO.		
A Member of THE MARMON GROUP		
SCALE	DRAWN BY <u>C.E.</u>	DRAWING NO.
DATE <u>1-20-89</u>	CHECKED BY	<u>3270-E-4</u>

DO NOT SCALE DRAWING

FINISH SYMBOLS

16 ✓ GRIND/POLISH	250 ✓ MEDIUM
32 ✓ GRIND	500 ✓ SEMI ROUGH
63 ✓ FINE	1000 ✓ ROUGH
125 ✓ SEMI FINE	2000 ✓ VERY ROUGH

UNLESS OTHERWISE SPECIFIED:

MACHINE SURFACE TOLERANCES:

0.000 3-PLACE DECIMAL $\pm .005$

0.000 2-PLACE DECIMAL $\pm .010$

0.000 1-PLACE DECIMAL $\pm .020$

0.000 0-PLACE DECIMAL $\pm .040$

FABRICATION TOLERANCES: $\pm .100$

REFERENCE:

REPRODUCED FROM

C06291



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5CA-TUB-3

MAR 13 1989

Henry L. Schweich
President
Cerro Copper Products Co.
P.O. Box 681
East St. Louis, Illinois 62202

Re: Pretreatment Compliance Plan
Cerro Copper Products

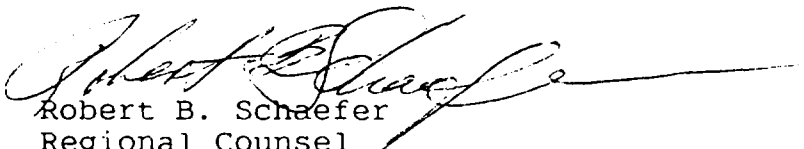
Dear Mr. Schweich:

Your letter dated February 24, 1989, to Mr. Valdas V. Adamkus has been referred to me for response. Because of the role of Mr. Adamkus as the deciding official in certain pending proceedings, it has been determined that it would be inappropriate to grant your request for a meeting.

The concerns which you have expressed in your letter are legitimate. I believe that a means for addressing these concerns is already in place. As you know, Cerro Copper Products (Cerro) and the U.S. Environmental Protection Agency (U.S. EPA) have held several meetings to discuss technical solutions to the difficult pretreatment problems which Cerro faces. The individuals involved in those meetings, including Mr. James Nolan from my office, have a detailed working knowledge of those problems. Mr. Nolan told you during a February 17, 1989, telephone conversation that U.S. EPA is anxious to meet with Cerro to discuss, once again, the details of Cerro's pretreatment plan.

I recommend that you meet with Mr. Nolan and other U.S. EPA personnel in the near future. Mr. Nolan will keep me and Mr. Adamkus advised as to the progress of those discussions. If, at some future time, Mr. Adamkus or I believe our involvement would be productive and appropriate, we will contact you.

Sincerely yours,


Robert B. Schaefer
Regional Counsel

C06293

cc: Richard J. Kissell
Gardner, Carton and Douglas
321 North Clark, Suite 3100
Chicago, Illinois 60610-4795

Patterson Schafer, Incorporated



Environmental
Consultants

March 8, 1989

Mr. Paul Tandler
Vice President
Cerro Copper Products Company
P.O. Box 681
East St. Louis, IL 62202

Dear Paul:

Since ~~WPC~~^{WPCF} is required to certify on each hazardous waste manifest that the Company has a waste minimization program in place, you may wish to consider adopting as Company policy a revised version of the enclosed Statement of Principle published by the Water Pollution Control Federation. This Statement was developed by a subcommittee which I chaired for WPCF.

Cordially yours,

James W. Patterson, Ph.D.

JWP/mh
880012.7

C06295

Waste Minimization and Waste Reduction

Waste minimization is a national policy that was first articulated by the U.S. Congress in the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA). Waste minimization, as defined in HSWA, means reduction of any solid or hazardous waste that is generated or subsequently treated, stored, or disposed of. It is generally agreed that waste minimization includes volume reduction, as well as reduction in the quantity of toxic constituents or of waste toxicity. Volume reduction is a less desirable goal than reduction in the quantity or toxicity of wastes generated. Toxicity reduction may be achieved by a variety of methods, including chemical and thermal destruction. Reduction in the quantity of waste generated is usually achieved by measures applied at the source of waste generation, including manufacturing process modification, changes in raw materials, or recycling and reuse.

The U.S. Environmental Protection Agency (EPA) has recently established an Office of Pollution Prevention to promote waste reduction. Two bills introduced in the 100th Congress sought to address this issue, both within the context of reauthorization of RCRA. A House bill, introduced by Rep. Howard Wolpe (D-Mich.), would have established an office within EPA to promote hazardous waste reduction via mechanisms such as state grants and information clearinghouses. The bill would have made mandatory certain industry reporting practices now voluntary under Superfund Amendments and Reauthorization Act (SARA) Title III Section 313. A Senate bill, introduced by Sen. Max Baucus (D-Mont.), incorporated many of the features contained in the Wolpe bill, but would also have imposed "... a (mandatory) na-

tional performance efficiency standard for industrial waste generators in Standard Industrial Classifications (SICs) 20-39 requiring within 10 years that total hazardous residuals including emissions, effluents, spills and managed wastes will not exceed 5 per centum of production throughput." Both the Wolpe and Baucus proposals are expected to be reintroduced in the 101st Congress.

The concepts of waste minimization and waste reduction are inherently attractive environmental goals, and have achieved enthusiastic support at local, state, and national levels. There is also strong international support for such concepts. For example, Ontario, Canada, has articulated a goal of waste minimization incorporating four elements: reduction, reuse, recycle, and recovery.

These elements are termed the "4 Rs" of waste minimization, and regulations aim to promote one or more of the 4 Rs. The Science Advisory Board of EPA has recently stated that "We have learned that traditional end-of-pipe controls have tended to move pollution from one environmental medium to another, not eliminate it...the magnitude of (environmental) risks requires that we develop and maintain a national strategy that emphasizes (pollution) prevention..."

The Water Pollution Control Federation supports waste minimization and waste reduction as key components of environmental protection, and adopts the following principles:

- Both waste reduction (incorporating reduction in the quantity or toxicity of wastes) and waste minimization by volume reduction represent significant opportunities for protection of human health and the environment.

- Waste reduction by source avoidance or detoxification is a more

desirable goal than simple volume reduction, and should represent the higher national priority.

- The concepts of waste reduction and waste minimization can be extended to incorporate air, water, and land pollution; and the Federation endorses this broad application of principle.

- The concepts of waste reduction and waste minimization can and should apply equally to industry, government, and other institutions, and to the private citizen.

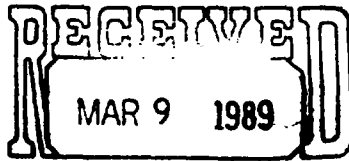
- Any waste reduction program goals or mandatory standards must be based upon sound information and technical feasibility.

- A national waste reduction program must be based upon consistent terminology and accurate methods to document progress.

- The Federation believes that information transfer and other educational initiatives are essential to achieving the goals of waste reduction and waste minimization, and recommends increased support of educational programs to enhance the systematic application of techniques applicable to existing and to new materials handling and manufacturing activities.

- The principles of waste reduction and waste minimization should be included in all major environmental statutes upon reauthorization of such statutes, specifically including the Clean Air Act, the Clean Water Act, RCRA, and SARA.

This statement was developed by a waste minimization workgroup of the WPCF Government Affairs Committee. The workgroup chair was James W. Patterson. The statement was approved by the Committee on October 4, 1988 and by the WPCF Executive Committee on January 12, 1989.



Patterson Schafer, Incorporated



Environmental
Consultants

BY P. T.

March 6, 1989

Mr. Donald Schregardus
Compliance Section (5WQC-TUB-8)
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, IL 60604

RE: Cerro Copper Products Co.
(V-W-88-A0-01)

Dear Mr. Schregardus:

Composite sampling in the Cerro Copper Products Company plant at Sauget, Illinois, for periodic compliance monitoring has been by manually mixing flow proportioned aliquots from a number of grab samples. As discussed with Dr. Weinert of your staff some time ago, there are a number of reasons for changing to automatic continuous flow proportional composite sampling machines where composites are required. It was agreed that Cerro would conduct a demonstration to determine whether the two approaches produce similar results. To that end, we have taken data by both techniques during the December 1988 and January 1989 PCR sampling. The field sampling reports are attached.

Evaluation of the data from both sampling techniques did not show significant differences. We therefore will discontinue the manual production of composites, in favor of automatic continuous flow proportioned composite sampling equipment. Revision of the Administrative Order is not necessary as the Order is silent on this detail.

Please call me if you have any questions.

Cordially,


Carl J. Schafer

CJS/mh
880012.1

C06297



TESTING LABORATORIES inc.

2350 Seventh Blvd.

St. Louis, Missouri 63104

Chemists

Engineers

Metallurgists

314/771-7111

Report No. 88-12-9375

THIS IS OUR
65TH
ANNIVERSARY

December 28, 1988

Metals analysis on thirteen (13) wastewater samples submitted 12/7/88 marked, "PCR Monitoring Cerro Copper, Job No. 10027E".

Sverdrup Corporation
801 North Eleventh Street
St. Louis, MO. 63101

Attn: Mr. Larry Oliver

TEST REPORT

Continued

Sample Identification	Cadmium	Chromium	Total Metals, mg/l			Nickel	Zinc
			Copper	Iron	Lead		
LOCATION 12C) #33	4.90	0.35	120	6.64	26.6	21.6	83
" ") #34	4.91	0.32	116	6.77	26.4	21.3	81
LOCATION 8A) #35	11.8	0.74	206	14.8	60	44	186
LOCATION 3B) #37	<0.02	0.15	1.29	0.60	0.27	<0.05	0.15
LOCATION 9A) #39	<0.02	0.14	0.99	0.22	<0.01	<0.05	0.16
CERRO WEST) #41	<0.02	0.10	4.37	0.70	0.44	0.05	0.57
" ") #42	<0.02	0.10	4.40	0.72	0.41	0.05	0.56

Composites:

Cerro West	<0.02	0.09	1.68	0.30	0.16	<0.05	0.30
Location 8A	9.10	0.43	148	8.36	75	8.77	99
Location 9A	<0.02	0.10	1.05	0.19	<0.1	<0.05	0.14
Location 3B	<0.02	0.06	0.43	0.14	<0.1	<0.05	0.07
Location 12C	7.28	0.27	104	8.69	22.1	21.5	87

C06298



INDUSTRIAL TESTING LABORATORIES inc.

2350 Seventh Blvd.

St. Louis, Missouri 63104

Chemists

Engineers

Metallurgists

314/771-7111

Report No. 89-01-0610

February 3, 1989

Metals analysis on thirteen (13) wastewater samples submitted 1/24/89,
identified "PCR Monitoring, Cerro Copper Products Company - Job No. 10027E."

Sverdrup Corporation
801 North Eleventh Street
St. Louis, MO. 63101

Attn: Mr. Larry Oliver

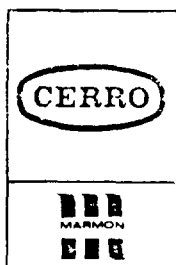
TEST REPORT

Sample Identification	<u>Total Metals, mg/l</u>						
	<u>Cadmium</u>	<u>Chromium</u>	<u>Copper</u>	<u>Iron</u>	<u>Lead</u>	<u>Nickel</u>	<u>Zinc</u>
#31	<0.02	0.87	3.24	0.46	0.11	<0.05	0.72
#32	<0.02	0.27	0.95	0.53	<0.1	<0.05	0.16
#33	8.70	0.38	28.3	365	1.76	116	125
#34	3.16	0.16	7.39	87	0.57	41	44
#35	3.23	0.17	7.43	85	0.62	40	44
#36	<0.02	0.40	1.46	0.29	<0.1	<0.05	0.20
#37	<0.02	0.40	1.54	0.29	<0.1	<0.05	0.20
#41	0.10	<0.05	0.24	<0.05	0.24	<0.05	0.06

Composites

Cerro West	<0.02	0.49	1.39	0.31	<0.1	<0.05	0.27
Location 8A	6.63	0.55	21.3	255	1.66	153	105
Location 9A	0.06	0.86	4.88	0.30	<0.1	<0.05	1.68
Location 3B	<0.02	0.21	2.55	0.42	<0.1	<0.05	0.12
Location 12C	2.15	0.17	8.71	72	0.95	38	32

C06299



CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

P.O. Box 681

East St. Louis, Illinois 62202

618/337-6000

February 24, 1989

President

Mr. Valdas V. Adamkus
Regional Administrator
USEPA
Region 5
230 South Dearborn St.
Chicago, IL 60604

Dear Mr. Adamkus:

Last week, following several unsuccessful attempts to reach you personally, I was contacted by Mr. James A. Nolan, Jr., Assistant Regional Counsel for Region 5, who, speaking in your behalf, indicated that you considered it inappropriate to discuss matters currently under discussion between the Agency and Cerro Copper Products Co. with representatives of our company.

We regret this very much, as we believe it to be most appropriate for you to hear our suggestions for a reasonable and equitable disposition of a pretreatment plan that will protect the environment in every way. We believe this is a question of technical expectation and policy, rather than law. It is therefore, we believe, within your discretion and authority to grant guidance in an interpretational matter to balance technical and environmental expectations.

We are the largest recycler of copper in the world, removing some 200 million pounds of that metal from the nations scrap heaps annually, and converting it to useful purposes. This is done at a fraction of the energy required for copper extracted from mines and refined in processes posing much greater environmental problems, which, incidentally, are given much greater latitude in wastewater regulations, while we are given a zero discharge mandate.

We ask that you reconsider your previous reluctance to speak with us in view of the fact that the discretionary interpretation of the regulations taken by the Agency staff on the subject of our copper refinery places this segment of our business at considerable risk - a condition that needs to be carefully explained before final decisions concerning pretreatment are reached.

C06301

CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

(2)

My representatives and I are available for such a meeting at your offices or another location of your choice at your earliest convenience.

Very truly yours,

CERRO COPPER PRODUCTS CO.
A member of The Marmon Group
of companies

A handwritten signature in cursive script, reading "Henry L. Schweich".

Henry L. Schweich
President

HLS:dw

cc: James A. Nolan, Esq.

bcc: P. Tandler
R. Kissel, Esq.
J. Patterson, PhD.

C06302

February 24, 1989

Mr. Valdas V. Adamkus
Regional Administrator
United States Environmental
Protection Agency
Region 5
230 South Dearborn St.
Chicago, IL 60604

DRAFT

Dear Mr. Adamkus:

Mr. James A. Nolan, Jr. of your staff, responded on your behalf last week to my attempts to reach you by telephone. He indicated that it would be considered inappropriate for you to participate in conversations on matters currently under discussion between the Agency and Cerro Copper Products Company.

I understand his point of view, however, the matter is of considerable significance to the economic well being of a hard pressed community and industry. It is a question of technical expectation and policy, rather than law. It is therefore, I believe, within your discretion and authority to grant guidance in an interpretational matter to balance technical and environmental expectations. If this is not possible, I regret to inform you that discretionary interpretation by your staff places a major segment of our business at considerable risk. Because Cerro is the largest recycler of copper in the world, I feel that such a decision should be carefully weighed by a senior decision maker such as yourself, with all of the competing aspects fully explained.

I therefore request that you reconsider the possibility of hearing our side of the story. My representatives and I are available for such a presentation at your convenience, and urge your agreement.

Sincerely yours,

CERRO COPPER PRODUCTS CO.
A member of The Marmon Group
of companies

HOWAY L. SCHWEICH
President

cc: James A Nolan, Esq.

bcc: P. Tandler
R. Kissel, Esq.
J. Patterson, Ph.D.

C06303

D R A F T

February 23, 1989

Mr. Valdas V. Adamkus
Regional Administrator
United States Environmental
Protection Agency
Region 5
230 South Dearborn St.
Chicago, IL 60604

A handwritten signature in dark ink, appearing to be 'D. A. P.', is written diagonally across the upper right portion of the letter.

Dear Mr. Adamkus:

Last week, following several unsuccessful attempts to reach you personally, I was contacted by Mr. James A. Nolan, Jr., Assistant Regional Counsel for Region 5, who, speaking in your behalf, indicated that you considered it inappropriate to discuss matters currently under discussion between the Agency and Cerro Copper Products Co. with representatives of our company.

We regret this very much, as we deem it most appropriate for you to hear our suggestions for a reasonable and equitable disposition of a pretreatment plan that will protect the environment in every way, and is within your discretionary authority to approve, in our opinion.

We are the largest recycler of copper in the world, removing some 200 million pounds of that metal from the nations scrap heaps annually, and converting it to useful purposes. This is done at a fraction of the energy required for copper extracted from mines and refined in processes posing much greater environmental problems, which, incidentally, are given much greater latitude in wastewater regulations, while we are given a zero discharge mandate.

We ask that you reconsider your previous reluctance to speak with us in view of the fact that the interpretation of the regulations taken by the

C06304

Agency staff on the subject of our copper refinery places this segment of our business at considerable risk - a condition that needs to be carefully explained before final decisions concerning pretreatment are reached.

My representatives and I are available for such a meeting at your offices or another location of your choice at your earliest convenience.

Sincerely yours,

CERRO COPPER PRODUCTS CO.
A member of The Marmon Group
of companies

H. L. Schweich
President

cc: James A. Nolan, Esq.

bcc: P. Tandler
R. Kissel, Esq.
J. Patterson, PhD.
File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

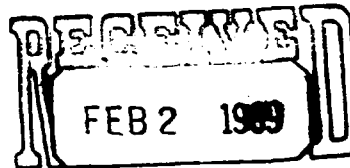
REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

JAN 25 1989



5WQC-TUB-8

CERTIFIED MAIL P 679 172 283
RETURN RECEIPT REQUESTED

BY P. T.

Mr. Paul Tandler
Vice President
Cerro Copper Products Company
East St. Louis, Illinois 62206

Re: Docket No. V-W-88-A0-01

Dear Mr. Tandler:

I am responding to a December 22, 1988, letter from Cerro Copper Products Company's (Cerro's) consultant, Mr. Carl Schafer. Mr. Schafer asked for several corrections to a November 10, 1988, United States Environmental Protection Agency (U.S. EPA) letter establishing the applicable effluent limitations for Cerro's Sauget, Illinois, facility. Each of the points raised in Mr. Schafer's letter are addressed below.

1. The U.S. EPA agrees that the monthly average limit for chromium at the East Outfall should be 0.131 pounds per day.
2. The allowance for discharge from solution heat treatment was not included in the effluent limitations for outfall 3B. The Copper Forming Process Operation Flow Diagram, provided by Cerro in numerous reports, indicates that all the process wastewater from solution heat treatment operations is discharged through the East Outfall. (See Enclosure I). If this information is incorrect and Cerro provides evidence that wastewater from solution heat treatment is discharged through Outfall 3B, U.S. EPA will reconsider the effluent limitations for Outfall 3B.
3. The U.S. EPA will accept 8A instead of 8C as a monitoring location. From this date forward, paragraph one of the Administrative Order referenced above, shall read as follows:
 1. Monitor monthly, to determine the compliance status for the Cerro Facility for the listed parameters, at the locations on the attached maps of the facility as indicated below:

9A
8A
12C
West Outfall

Each indicated location should be monitored for the following list of parameters:

Chromium	Zinc
Copper	Total Toxic Organics (TTO)
Lead	Oil and grease
Nickel	Total Phenols
pH	Total Phenols

Production data must also be provided for the sampling periods. The flow must be measured for each sample. All samples must be 24 hour composites except for pH, oil and grease, phenols and TTO, which should be grab samples. Sampling and analysis techniques should conform to 40 CFR §136.

4. U.S. EPA cannot approve deletion of sampling at 9C. As stated in my December 21, 1988, letter regarding the discharges from the new pretreatment facility, Mr. Schafer agreed to continue sampling the original MMC point in addition to the new point. This sampling is necessary to allow for a mass balance between all flows discharged through the West Outfall, including regulated and unregulated discharge flows. The order, as amended December 21, 1988, stands.
5. The sampling requirements described by the Administrative Order V-W-AO-88-01, are more stringent than the requirements in 40 C.F.R.12(g)(2) (as amended October 17, 1988). The more stringent requirements apply.
6. The regulatory authority supporting U.S. EPA's position on compliance with monthly average limitations can be found at 40 C.F.R 421.3(a), 464.03(c), and 468.03(a) For instance, 40 CFR 464.03 states:

The "monthly average" regulatory values shall be the basis for the monthly average effluent limitations guidelines and standards in direct discharge permits and for pretreatment standards. **Compliance with the monthly average effluent limitations guidelines and standards is required regardless of the number of samples analyzed and averaged.** (emphasis added).

In the case of a single monthly sampling, an exceedance of a more restrictive monthly average limitation is a concurrent violation of the daily maximum limit.

Please contact Anne Weinert at (312) 886-6764 with technical questions or James Nolan at (312) 353-9044 with legal questions.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Charles H. Sutfin". The signature is fluid and cursive, with a large, stylized "S" at the end.

Charles H. Sutfin
Director, Water Division

cc: Carl Schafer
Patterson Schafer, Inc.

Richard Kissel
Gardner, Carton, and Douglas

George Schillinger
Village of Sauget

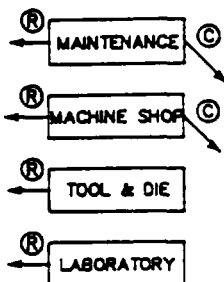
Kenneth Rogers
IEPA, Compliance Assurance Section

Enclosure I

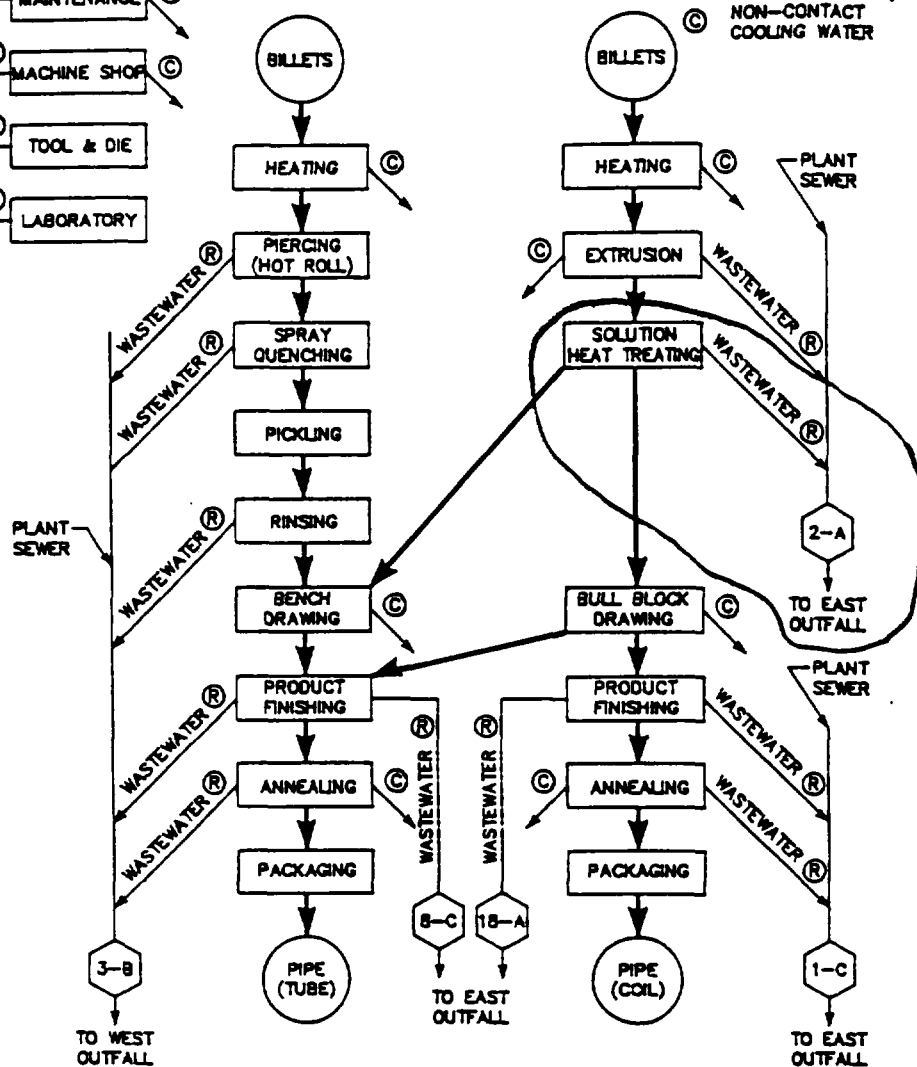
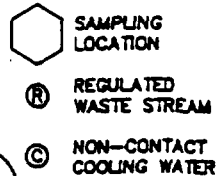
Submitted by Cerro to U.S. EPA on March 2, 1987

CERRO COPPER PRODUCTS COMPANY PROCESSING FLOW DIAGRAM COPPER FORMING OPERATIONS

SUPPORT OPERATIONS



LEGEND



C06361

CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

OTHER ADDRESSEES - FOR INFORMATION

S. A. Silverstein
File

INTERNAL MEMORANDUM

HQ-10

SHOW NAME, TITLE AND UNIT OF ADDRESSEE AND ADDRESSOR

TO: H. L. Schweich

DATE: January 13, 1989

FROM: Paul Tandler

~~CONFIDENTIAL~~

SUBJECT: U.S.EPA NEWS RELEASE OF 1-11-89 AND CORRESPONDENCE WITH
BERNARD P. KILLIAN, IEPA

Yesterday (Thursday) I copied you on the Region 5 news release and attached letter to the IEPA's new Director, Bernard P. Killian. My first knowledge of this was a Channel 5 morning news item Thursday (1-12), but I was advised that it was also telecast on Wednesday evening, January 11, the date of the news release. As of this morning I have not seen anything in print by the Post-Dispatch, or others.

This morning, Friday, I received a call from Jay Baker and Dick Kissel, speaking from Dick's office, suggesting that the brutal tone of the letter directed at Killian should not go unchallenged, and, in view of the fact that Governor Thompson was copied, some contact should be established with him, possibly by our owners.

Let me put things in perspective regarding this latest attack by Region 5:

1. The IEPA is the permitting agency for NPDES Permits in Illinois. It did so for both the Sauget P-Chem Plant and for the American Bottoms (A/B) Plant.
2. Several conditions of the permit(s) were unacceptable to Sauget, and a timely appeal to the Illinois Pollution Control Board was filed. Such appeals were duly heard after many months of delay and the Board handed down its decision, 22 pages in length, on December 15, 1988. We have a copy.
3. The decision agreed with several of Sauget's positions on Effective Dates and Effluent Toxicity and ordered IEPA to change the permit.
4. Now comes Region 5 Administrator Valdas V. Adamkus and severely criticizes the Board for its decision and IEPA for presenting its case poorly. In my opinion this letter to Killian is at best insulting, at worst vicious in its criticism of the IEPA's conduct. It threatens certain reprisals in future permit proceedings.
5. U.S.EPA attended the hearing and had adequate opportunity to support IEPA's case, or present its own position. It failed to rise to the occasion and is now unhappy with the terms of the decision.

C06375

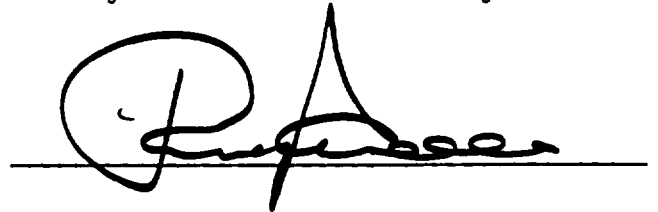
Mr. H. L. Schweich
January 13, 1989
Page 2

Now, getting back to the conversation with Baker and Kissel. They make the following points:

1. The Illinois Pollution Control Board should not surrender its authority to rule (to the best of its judgement) on matters that need to be considered both on their merits and on their strategic impact on Illinois industry. That is why we have such a board - to hear appeals from IEPA decisions and to grant relief where indicated.
2. Governor Thompson should be reminded that the Sauget industries have contributed greatly to the State's economic well-being without asking anything in return. The only state funds committed to the Sauget area in recent times has been a Build Illinois Grant of \$1.5 million to supplement a \$8.5 million Sauget General Obligation Bond issue for sewer repairs and additions in the Village.
3. If Cerro, through its owners, feel that a case for supporting the Illinois decisions can be made to Governor Thompson, there has never been a better time. The retention of viable industry here in Sauget should be the main theme.
4. Although the thrust of U.S.EPA's attack is against the Village of Sauget, the agency most certainly regards its industries as an integral part of the Village, and does not differentiate between those industries that cause the A/B Plant to exceed the toxicity limits and those that do not.

I will be attending the regular monthly Association Board Meetings Monday morning, January 16, postponed from today, and there will undoubtedly be more discussion on this subject.

Following that I would appreciate an opportunity to discuss this with you further.

A handwritten signature in black ink, appearing to be 'H. L. Schweich', written over a horizontal line.

PT/ge

C06376

CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

INTERNAL MEMORANDUM

OTHER ADDRESSEES - FOR INFORMATION

1/5/89

R. E. Conreux
R. Deatherage
P. Tandler
File

h

HQ-10

SHOW NAME, TITLE AND UNIT OF ADDRESSEE AND ADDRESSOR

TO: Joe Burroughs

DATE: January 5, 1989

FROM: S. A. Silverstein

SUBJECT: WATER SURVEY - SECONDARY COPPER OPERATIONS

Ed Cooney of Patterson Schafer Inc. will be here next week to conduct the previously planned survey of water input and output at all secondary copper operations. It is his understanding that all necessary meters are now in place.



SAS/ge

C06378